

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas
FILED

March 30, 2023

United States of America

v.

Daniel HICKS

Nathan Ochsner, Clerk of Court

Case No. **4:23-mj-624**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 8, 2021-June 9, 2021 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 2251

Sexual Exploitation of Children

18 USC 2422(a)

Coercion and Enticement

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Laura J. Gill, HSI Special Agent

Printed name and title

Sworn to telephonically.

Date: March 30, 2023City and state: Houston, Texas

Judge's signature

Andrew M. Edison, U.S. Magistrate Judge

Printed name and title

4:23-mj-624

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your Affiant, Laura J. Gill, being duly sworn, deposes and states:

INTRODUCTION

1. I am a Special Agent with the Department of Homeland Security, Immigration & Customs Enforcement (ICE), Homeland Security Investigations (HSI), assigned to the Office of the Special Agent in Charge, Houston, Texas. I have been employed as an HSI special agent for approximately thirteen years. I have been assigned to the Child Exploitation Group since September 2015, and as part of my daily duties as an HSI special agent assigned to this group, I investigate criminal violations relating to child exploitation and child pornography including violations of Chapter 109A, Chapter 110 and Chapter 117, all contained within Title 18 of the United States Code. I have received training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. §§ 2251, 2252, and 2252A, and I am authorized by law to request a criminal complaint and arrest warrant.

2. As a Federal Agent, I am authorized to investigate violation of the laws of the United States, and to execute warrants issued under the authority of the United States.

3. I am familiar with the facts and circumstances of this investigation from: (a) my own personal involvement in the investigation and my personal observations; (b) reports of investigation which I have reviewed that were prepared by Vermont Internet Crimes Against

Children (ICAC) Detective (Det.) Matthew Raymond, and ICAC Investigator (Inv.) Diane Peterson, and my conversations with HSI Special Agent (SA) Scott Labor, and ICAC Inv. Diane Peterson. Where I have reported statements by others or from documents that I have reviewed, those statements are reported in substance and in part, unless otherwise indicated.

4. The statements in this Affidavit are based in part on information provided to me by other law enforcement officers, and on my investigation of this matter. Since this Affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Daniel HICKS committed the offenses of Sexual Exploitation of Children, in violation of 18 U.S.C. § 2251, and Coercion and enticement, in violation of 18 U.S.C. § 2422(a).

5. Based on my training and experience and the facts as set forth in this affidavit, I believe that there is probable cause to believe that Daniel HICKS committed the offenses of Sexual Exploitation of Children, in violation of 18 U.S.C. § 2251, and Coercion and Enticement, in violation of 18 U.S.C. § 2422(a).

PROBABLE CAUSE

6. On November 2, 2022, I learned from HSI SA Scott Labor that there was a minor female victim of online sexual exploitation by Vermont native Daniel HICKS residing in the Houston, Texas Area of Responsibility (AOR). During this conversation and based on my review of written reports SA Labor forwarded to me, I learned the following:

- a. On June 12, 2021, NCMEC received CyberTipline Report 92806006 from Facebook. On November 4, 2021, Det. Raymond received CyberTipline Report 92806006 from NCMEC..
- b. Facebook reported the following information in this cyber tip:
 - Incident Type: Child Pornography (possession, manufacture, and distribution)

- Incident Time: 06-04-2021 00:11:38 UTC
- c. Facebook reported the incident occurred in Daniel HICKS's Facebook Messenger chat.
 - Facebook provided identifiers for a suspected minor female victim (hereinafter MVF-1).
 - ESP Group Identifier: possible involvement in online group related to CSE:297759761778064 Additional Information: Estimated location on June 12, 2021 UTC: Crosby, Texas, US
- d. Facebook reported the Recipient of the child pornography as:
 - Name: Daniel Hicks
 - Date of Birth: 07-30-1996
 - Approximate Age: 24
 - Email Address: auto.danhicks@gmail.com (Verified)
 - Screen/User Name: daniel.hicks.5876060
 - ESP User ID: 100065621888075
 - Profile URL: <http://www.facebook.com/daniel.hicks.5876060>
 - IP Address: 64.223.122.139 (Login) 06-09-2021 16:34:28 UTC
 - ESP Group Identifier – possible involvement in online group related to CSE [Child Sexual Exploitation]: 297759761778064
 - Additional Information: Estimated location on June 12, 2021 UTC: Vermont, US (Not Verified)
- e. Facebook provided two files that were uploaded by the suspect user.
 - Facebook provided a file with the filename: 1vGnjbPFmJ2uQyIV166189976_296235968597110_4101562378917290928_n.jpg. Facebook advised this file was publicly available and was the profile picture for MVF-1.
 - Facebook provided a file with the filename: VEeTYetVc6Chk2pT187821347_516451919556758_4691106827585855520_o.jpg. Facebook reported this file was not viewed by the ESP and did not advise if the contents of this file were publicly available. This file was sent via Messenger to Daniel Hicks on June 4, 2021 at 00:11:38 UTC.

7. Cybertipline Report 92806006 was sent to the Houston ICAC by NCMEC in July 2021 based on the reported information. It was forwarded to the Vermont ICAC when it was found to relate to an ongoing investigation related to CyberTipline Report 92806182.

8. On November 9, 2021, Det. Raymond obtained a search warrant to search the following file provided by Facebook with CyberTipline Report 92806006:

VEeTYetVc6Chk2pT187821347_516451919556758_4691106827585855520_o.jpg.

9. On November 9, 2021, Det. Raymond obtained a search warrant to search the file provided by Facebook with CyberTipline Report 92806006. Det. Raymond received and viewed the file and observed it depicted what appeared to be a close up of a prepubescent vagina.

10. On June 12, 2021, NCMEC received CyberTipline Report 92806182 from Facebook.

11. On July 9, 2021, CyberTipline Report 92806182 was made available to both the Vermont ICAC (based on Daniel HICKS's location) and the Houston ICAC (based on the victim's (MVF-1) location).

12. CyberTipline Report 92806182 reported the following information:

- a. The suspect is listed as:
 - Name: Daniel Hicks
 - Date of Birth: 07-30-1996
 - Approximate Age: 24
 - Email Address: auto.danhicks@gmail.com (Verified)
 - Screen/User Name: daniel.hicks.5876060
 - ESP User ID: 100065621888075
 - Profile URL: <http://www.facebook.com/daniel.hicks.5876060>
 - IP Address: 64.223.122.139 (Login) 06-09-2021 16:34:28 UTC
 - MVF-1's (from CyberTipline Report 92806006) subscriber information including screen/user name, alleged date of birth, email address, ESP User Id, profile URL, IP address, and estimated location on June 12, 2021 UTC: Crosby, Texas, US (Not Verified)

13. Facebook advised that activity on the platform indicated that the user MVF-1 is a minor, despite their listed age being an adult, and provided the following disclaimer:

“This Standard Manual Report details the apparent enticement of a minor to engage in sexual activity and/or to produce and share apparent child exploitation images (CEI). These names are selected by the user(s) and do not necessarily reflect their true name(s). All information provided should be independently investigated and verified. All content, including conversations and images, referenced in this report has been reviewed by a person at Facebook. Facebook may at any time, at its sole

discretion in order to keep its platform safe and free of harmful content, conduct a further investigation and supplement this report.”

14. Facebook provided excerpts of conversations between HICKS and MVF-1 from May 8, 2021, at 19:06:03 UTC through June 4, 2021, at 00:11:06 UTC:

HICKS - May 8, 2021 at 19:06:03 UTC: Probably yell and cuss u out and block u....idk i was there ID basically rape u hard and multiple times so i could get sex from u and then live u in the woods or something [...]

HICKS - May 8, 2021 at 19:06:13 UTC: But that's how ID punish u

MVF-1 - May 8, 2021 at 19:06:29 UTC: Okay

HICKS - May 8, 2021 at 19:06:41 UTC: Ya

MVF-1 - May 8, 2021 at 19:07:17 UTC: Mhm

HICKS - May 8, 2021 at 19:08:07 UTC: Ya I mean other than that ID kill u but rape would hurt u enough tho so dont ever ever lie to me unless u had to BC of a surprise or Something [...]

HICKS - May 9, 2021 at 06:42:51 UTC: When did u turn 13 tho?

MVF-1 - May 9, 2021 at 06:43:05 UTC: Agust 14 [...]

MVF-1 - May 28, 2021 at 23:25:35 UTC: Then spank me

HICKS - May 28, 2021 at 23:25:46 UTC: Haha I would if u were here

MVF-1 - May 28, 2021 at 23:26:14 UTC: Yeah sure you would

HICKS - May 28, 2021 at 23:26:44 UTC: I would but itd probably turn me on if i did so then ID have to fuck u after lol [...]

HICKS - June 4, 2021 at 00:11:06 UTC: Ok well can I see that amazing pussy of yours baby?

15. On November 19, 2021, Det. Raymond served Facebook with a State of Vermont search warrant for the Facebook Account of HICKS requesting user information, basic subscriber content, expanded subscriber content, credit cards, user photos, private messages, video and voice calling, chats, and email content, IP logs, active sessions, activity log, Facebook

Marketplace, Facebook applications, correspondence with Facebook, and any cyber tips associated with the accounts.

16. On January 3, 2023, Your Affiant reviewed the search warrant return for Facebook user Daniel HICKS and observed:

- a. The account was registered on April 1, 2021, at 01:53:19 UTC with the email address of auto.danhicks@gmail.com and IP address 64.223.109.87. The following alternate names were associated with the account in parenthesis next to the profile name: Dan, Danny, Dankill, and Deazy. The IP address on June 9, 2021, at 16:34:28 UTC, was 64.223.122.139. The account was disabled on July 13, 2021, at 03:56:57 UTC.
- b. The following Facebook Messenger conversation excerpts between HICKS and MVF-1 dated May 6, 2021, at 1:20:54 UTC through May 6, 2021, at 03:28:48 UTC along with numerous images/videos of MVF-1 (to include CSAM) appear in the HICKS Facebook account:

MVF-I May 6, 2021, 01:23:00 UTC: I am so tired of trying and living life

HICKS May 6, 2021, 01:26:18 UTC: Same

MVF-I May 6, 2021, 01:28:15 UTC: Yeah

HICKS May 6, 2021, 01:30:59 UTC: Ya u ?

HICKS May 6, 2021, 01:36:44 UTC: Ok doesn't answer my question but ok

MVF-I May 6, 2021, 01:37:23 UTC: Yes I am but I am busy

HICKS May 6, 2021, 01:38:34 UTC: K obviously not if u have time to post on social media and stuff but whatever nevermind I understand. Go do whatever u need to do. Ill just talk to u later 😞😞

MVF-I May 6, 2021, 01:39:20 UTC: Okay sounds good and I just had to start cooking dinner for the whole family

HICKS May 6, 2021, 01:40:01 UTC: K and good to know I didnt matter but whatever Ttyl im not looking to argue.

HICKS May 6, 2021, 02:57:30 UTC: Oh ok and nothing is wrong now i mean i did wanna cut and kill myself but im over that now but not like u helped any

MVF-I May 6, 2021, 03:07:04 UTC: People saying I am ugly and other things

HICKS May 6, 2021, 03:07:35 UTC: Like? And other things like? And why?

MVF-1 May 6, 2021, 03:08:05 UTC: Like I should not live and I am ugly and I am not good enough

HICKS May 6, 2021, 03:09:11 UTC: Ok but people like who? And why? And ok

MVF-1 May 6, 2021, 03:09:28 UTC: Some random people

HICKS May 6, 2021, 03:12:32 UTC: Ok well then smarten up and just block them if on social media and ignore them BC u an I are the only ones who matter. Idk y they say this to u BC u haven t told me y. But unless ur gonna start talking more and telling me everything more and not hide shit from me then we can figure it out together. I mean me asking the same questions three times is getting annoying. I mean I do love u I really do but u gotta be getting better.

MVF-1 May 6, 2021, 03:13:25 UTC: Okay and I tell you everything

HICKS May 6, 2021, 03:14:01 UTC: I hope u do i really do but im serious tho

MVF-1 May 6, 2021, 03:14:09 UTC: I know

HICKS May 6, 2021, 03:15:05 UTC: Good, can I get the pictures now tho?

MVF-1 May 6, 2021, 03:15:29 UTC: Of boobs or what

HICKS May 6, 2021, 03:16:12 UTC: Ya of Boobs and maybe few other places to

HICKS May 6, 2021, 03:16:17 UTC: If that's ok

MVF-1 May 6, 2021, 03:16:59 UTC:

Removed by Sender May 6, 2021, 03:17:59 UTC: wiffee unsent a message

HICKS May 6, 2021, 03:17:54 UTC: Ok send some more please

MVF-1 May 6, 2021, 03:18:32 UTC:

Removed by Sender May 6, 2021, 03:19:17 UTC: wiffee unsent a message

MVF-1 May 6, 2021, 03:18:41 UTC:

Removed by Sender May 6, 2021, 03:19:19 UTC: wiffee unsent a message

HICKS May 6, 2021, 03:19:22 UTC: Amazing 🥰😘

HICKS May 6, 2021, 03:19:38 UTC: Love to see more of u t

MVF-1 May 6, 2021, 03:19:57 UTC: Yeah I know

HICKS May 6, 2021, 03:20:11 UTC: So can I see more of u?

MVF-1 May 6, 2021, 03:20:18 UTC: No sorry

HICKS May 6, 2021, 03:21:13 UTC: Well I said I wanted to so u should because u did ask Boobs or what and I said I wanted to see all of u

MVF-1 May 6, 2021, 03:22:13 UTC:
I don't want to

HICKS May 6, 2021, 03:22:35 UTC: Please?? 😊

MVF-1 May 6, 2021, 03:23:01 UTC: I don't want to

HICKS May 6, 2021, 03:23:25 UTC: Please ??

MVF-1 May 6, 2021, 03:23:43 UTC: I don't want to

HICKS May 6, 2021, 03:24:15 UTC: Well u have to BC u said u would but ok whatever good to know it was another lie

MVF-1 May 6, 2021, 03:24:51 UTC: Give me a second I think he is here

HICKS May 6, 2021, 03:25:15 UTC: Idk who he is but k

MVF-1 May 6, 2021, 03:25:36 UTC: My brother hold on

MVF-1 May 6, 2021, 03:27:59 UTC: Yeah he not here but if he was I was going to have to call the cops

HICKS May 6, 2021, 03:28:14 UTC: That's good

HICKS May 6, 2021, 03:28:48 UTC: Ya so can I see the rest now?

17. The following brief describes the videos shared by (and then removed by) MVF-1 and received by HICKS during the chat above:

- a) unified_message_388062562581724: is an approximately 4 second video depicting MVF-1 lying fully nude on a white/off-white mattress, her shoulders are resting against a white/off-white pillow, her legs are separated so that her vulva, breasts, and majority of her face are visible. This video meets the federal definition of child pornography.
- b) unified_message_231407568445484: is an approximately 4 second video depicting MVF-1 fully nude, standing in a bathtub, her vulva and breasts are visible, water can be heard running in the background, and she is blowing a kiss towards the camera. This video meets the federal definition of child pornography.
- c) unified_message_302984878017285: is an approximately 4 second video depicting MVF-1 standing up and facing a full-length mirror, a cellular phone in a blue case is in her hand, she is wearing a black sweater or jacket is open and pushed back off her shoulders exposing her breasts, a pair of multi-colored shorts are pulled down to her knees exposing her vulva. This video meets the federal definition of child pornography.

18. On or about July 29, 2021, Inv. Peterson traveled to a residence in Crosby, Texas in reference to Cyber Tipline Report #92806182. Inv. Peterson met with the parents of a Caucasian female 13-years of age, later identified as Minor Victim Female-One (MVF-1). Inv. Peterson advised the parents that Facebook had flagged conversations between MVF-1 and an adult male in Vermont, who was listed on the sex offender registry, and then submitted a report to NCMEC. With the parents of MVF-1 in the room and with their permission, Inv. Peterson spoke to MVF-1 about the information contained in the cyber tip. MVF-1 confirmed she did know someone online named "Daniel" and indicated to Inv. Peterson that she had previously communicated with him (HICKS) via Facebook messenger. MVF-1 stated she told HICKS to go away, to which he responded that he was going to kill himself. When she had not heard from HICKS, she became frightened that he had taken his own life. MVF-1's mother explained to Inv. Peterson that MVF-1's friend had recently committed suicide. MVF-1 acknowledged HICKS had attempted to solicit nude images of her during their online conversations but denied sending any. Inv. Peterson presented MVF-1 with an image of HICKS from his Facebook account. MVF-1 identified the person in the image as "Daniel." Inv. Peterson asked MVF-1 if she had maintained any of the communication she had with HICKS. MVF-1 explained to Investigator Peterson that the conversations between herself and HICKS were on Facebook Messenger and when his account was shut down the conversations were deleted. However, she had screenshots on her cellphone of messages HICKS had sent to her friend via Facebook Messenger after she had broken off communication with him. MVF-1 retrieved her Motorola Z4 and presented the screenshot images to Inv. Peterson for review. The phone was released to Inv. Peterson for a consensual forensic search (no further evidence was recovered during the forensic examination

and the cellphone was returned to the family). The family declined to have MVF-1 forensically interviewed.

19. On January 11, 2023, due to Inv. Peterson having a previous encounter with MVF-1 and her parents, Your Affiant requested her assistance. Your Affiant and Inv. Peterson spoke with MVF-1's parents and told them there was new evidence related to the investigation of HICKS. Your Affiant explained to MVF-1's parents that a forensic interview would be helpful to not only the investigation but to MVF-1. MVF-1's parents agreed and consented to bring her to the Bridgehaven Children's Advocacy Center the following week. During that interview, MVF-1 provided the following information:

- MVF-1 described being contacted randomly by HICKS via Facebook Messenger when she was 13 years old. She accepted his message request believing he might be a family member.
- According to MVF-1, HICKS sent her a lot of messages and the relationship between the two escalated quickly.
- MVF-1 recalled HICKS sent her unsolicited nude images of himself and often requested she send him nude images.
- MVF-1 believed she was forced to send HICKS nude images after he threatened to kill or hurt himself, because she did not want to be responsible for HICKS taking his own life.
- The nude pictures began before HICKS told her he wanted to marry her.
- MVF-1 was shown the nine images by FIS Krietz and identified herself, her deceased friend, HICKS, and images that she sent to HICKS that meet the federal definition of child pornography to include VEEtYEtVc6Chk2pT187821347_516451919556758_4691106827585855520_o.jpg. MVF-1 advised HICKS attempted to contact her via Snapchat and Instagram after she blocked him on Facebook, she noted he had started following some friends of hers on Instagram and had begun sending messages to one of her friend's trying to reconnect.
- She kept the screenshots from the messages HICKS sent to her friend trying to reconnect with her.
- She contacted HICKS one time after seeing the messages to her friend and told him to leave them all alone.

20. On March 17, 2023, Your Affiant spoke with Det. Raymond and learned the following information:

- a) On January 5, 2015, Det. Raymond, along with Vermont Trooper Barnes interviewed HICKS about a child pornography case. During the interview, HICKS confessed to emailing himself files of child pornography. HICKS admitted he utilized different social media applications to gain access to and possess sexually explicit images and videos of minor females. HICKS confessed to using social media applications to solicit those same said sexually explicit images and videos from minor females 12 years of age and older.
- b) On February 1, 2023, Vermont Trooper Biaz Mihaljevic issued a traffic warning to HICKS for a violation of 23 VSA 1038 – Driving on Roadways Laned for Traffic. At the time of the citation, HICKS indicated his residence was located at 2193 Route 109, Waterville, Vermont (the TARGET PREMISES).
- c) A search of the records of the Vermont Department of Motor Vehicles listed the address for Daniel HICKS as 2193 Route 109, Waterville, Vermont (TARGET PREMISES).

21. Additional records checks revealed HICKS was convicted on March 29, 2017, for Possession of Child Pornography and sentenced to 4 years of deferred adjudication, probation with special sex offender related conditions.

22. On March 21, 2023, your Affiant obtained a federal search warrant in the United States District Court, District of Vermont, for 2193 Route 109, Waterville, Vermont.

23. On March 22, 2023, your Affiant, along with HSI Houston SA William Russell Hurst, agents from HSI Derby Line and HSI Burlington, and other members of the Vermont ICAC executed the federal search warrant at the aforementioned address.

24. While the other law enforcement members executed the initial entry of the residence and other outbuildings, your Affiant and SA Hurst remained inside with HICKS downstairs near the front door. HICKS was visibly upset and made several spontaneous statements about law enforcement being there for him again, his family being upset with him again, and that he knew he was in trouble.

25. HICKS was asked if he would be willing to talk with SA Hurst and your Affiant outside in the truck (a black rented 2023 Chevrolet Silverado) and he agreed. Your Affiant advised HICKS that he could sit in the front passenger seat if he would like, and he responded that he would feel more comfortable there unlike the first time.

26. Once in the vehicle, introductions were made. Your Affiant requested HICKS verify her recollection of information HICKS had spontaneously uttered inside the residence. HICKS confirmed he had determined that law enforcement was there because of him and what had happened to him previously. When asked to clarify what he meant by those statements, HICKS explained he was previously arrested for possession of child pornography, had been given a deferred sentence, was placed on probation for 4 years, he believed he was released from probation either the beginning of 2022 or sometime in 2021, and the records had been expunged.

27. HICKS was advised he was not under arrest, and he was free to leave at any time. Your Affiant read the *Miranda Warning* to HICKS as he read along. HICKS stated he understood his *Miranda* rights and attested he was willing to answer questions.

28. HICKS quipped it was not his house; it was his grandparent's house, and continued by stating he had all the stuff in his room, his model car, and his daily driver. He stated he paid no bills.

29. HICKS confessed to utilizing Facebook, Instagram, and Snapchat to chat with minor females and affirmed that he solicited sexually explicit images from them that he would save to his Android cellphone.

30. Your Affiant told HICKS that she lived near Houston and mentioned the town of Crosby. HICKS declared he had heard of Crosby and that he previously had a friend from there. HICKS provided the first name of MVF-1.

31. HICKS stated the two had met via social media after he randomly sent her message through Facebook telling her he thought her profile looked cool. According to HICKS, they stopped talking because MVF-1 had started calling him a pedophile and questioning why he wanted to talk to her.

32. HICKS claimed they were not that far apart in age and guessed MVF-1 was 16 or 17 at the time and he believed he was either 20 or 21.

33. According to HICKS, he and MVF-1 were not friends online for very long because he did not want to put up with her drama. HICKS described the drama as MVF-1 being depressed, having poor health due to not eating, getting hospitalized due to not eating, and having attempted to overdose on her depression medication.

34. HICKS admitted he lost his first Facebook account when he was arrested the first time. He acknowledged that just days after getting off probation he created another Facebook account and almost immediately began soliciting nude images from minor females he friended through the application.

35. HICKS agreed he had known MVF-1 was 14-years of age and that he had solicited nude images of her via the Facebook Messenger application.

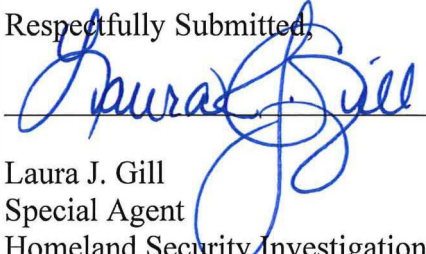
36. HICKS guessed there would be a total of 5 or 6 other minor victims images/videos found on his Android cellphone during a forensic examination.

37. HICKS declared he knew he was going to go to jail because he was told he would not get another get out of jail free card and the courts would not be so lenient if he reoffended.

CONCLUSION

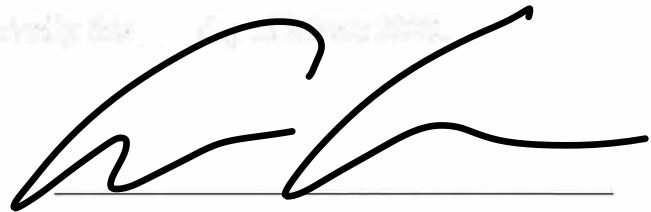
38. Based on the foregoing, I believe that there is probable cause to believe that Daniel Hicks committed the offenses of Sexual Exploitation of Children, in violation of 18 U.S.C. § 2251, and Coercion and Enticement, in violation of 18 U.S.C. § 2422(a).

Respectfully Submitted,



Laura J. Gill
Special Agent
Homeland Security Investigations

Sworn and subscribed to telephonically this 30th day of March 2023 and I find probable cause.



Andrew M. Edison
United States Magistrate Judge